

## REMARKS

The Notification stated that the nucleotide and/or amino acid sequence disclosure contained in the application did not comply with the requirements of 37 C.F.R. Section 1.821 to 1.825 because the diskette furnished did not comply and a corrected diskette was needed. Specifically, as noted in an attached Raw Sequence Listing Error Report (hereinafter the "Report"), there was misaligned amino numbering. More particularly, in Sequences 42, 44, 46, 48 and 50, in some instances where the numbering reached 4 digits in length, the first number was cut off making it appear as three digits instead of four. A copy of the Notification and its attached Raw Sequence Listing Error Report **are attached hereto** for convenience.

In response, Applicants hereby submit a substitute copy of the nucleotide or amino acid sequence contained in this application. It is being submitted herewith in both paper copy and in computer readable form on a 3.5 inch computer diskette. The attached diskette is labeled in accordance with 37 C.F.R. 1.824(a)(6) and is submitted in the American Standard Code for Information Interchange (ASCII) text.

The paper copy differs from that originally filed with the case in that correction of the above indicated errors (e.g. the errors noted in the Raw Sequence Listing Error Report) have been made.

As requested by the Notification, an amendment is being made hereby directing entry of this substitute paper copy into the specification.

Herein below is the necessary statement that the content of the substitute Sequence Listing information recorded in computer readable form is identical to the paper copy of the substitute Sequence Listing submitted herewith, as required by 37 C.F.R. Section 1.821(g). Because this submission is made in fulfilling the requirement under 37 C.F.R. 1.821(g), also included herein below is a statement that the submission includes no new matter.

**Statement That substitute Sequence Listing And Computer Readable Copy Thereof Are The Same And That Papers Submitted Include No New Matter:**

I, Raymond J. Harmuth, Esq., Registration No. 33,896 hereby state:

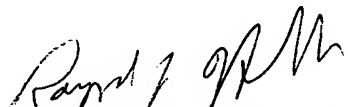
1. That I have been appointed an attorney of record in this case in the Declaration filed in this case on April 5, 2002;
2. That the substitute computer readable form being submitted concurrently herewith is identical to the written substitute Sequence Listing also being submitted concurrently herewith;
3. That the amendments made in the substitute sheets of the Sequence Listing being submitted herewith are supported in the application, as filed, and that the substitute sheets of the Sequence Listing do not include new matter.

**CONCLUSION**

Having complied with all of the outstanding requirements, Applicants request that the file be forwarded for examination.

Respectfully submitted,

By



Raymond J. Harmuth  
Attorney for Applicants  
Reg. No. 33,896

Bayer CropScience LP  
100 Bayer Road  
Pittsburgh, Pennsylvania 15205-9741  
(412) 777-3916  
FACSIMILE PHONE NUMBER:  
(412) 777-3902

/jme/RJH/RH0114